

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 3738 - HB 3748

February 19, 2012

SUMMARY OF BILL: Creates an offense for a person to knowingly manufacture, deliver, or sell a controlled substance analog, or to possess a controlled substance analog with intent to manufacture, deliver, or sell such analog. Imposes the same punishment as for the controlled substance for which it is an analog.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$236,100/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 40 admissions for Schedule I drug offenses in each of the past 10 years. DOC estimates there will be a 10 percent increase (4) in admissions as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four offenders. Estimate assumes one additional Class D felony offender, two additional Class C felony offenders, and one additional Class B felony offense every other year.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36.
- According to DOC, the average post-conviction time served for a Class D felony is 1.86 years (679.37 days) at a cost of \$41,686.14 (\$61.36 x 679.37 days).
- The average post-conviction time served for a Class C felony is 2.98 years (1,088.45 days) at a cost of \$66,787.29 (\$61.36 x 1,088.45 days). The total additional operating cost for two additional offenders is \$133,574.58 (\$66,787.29 x 2).
- The average post-conviction time served for a Class B felony is 5.43 years (1,983.31 days) at a cost of \$121,695.90 (\$61.36 x 1,983.31 days). The annualized cost per offender is \$60,847.95 (0.50 annual number of offenders x \$121,695.90).
- The total additional operating cost is \$236,108.67 (\$41,686.14 + \$133,574.58 + \$60,847.95).

- Any impact on the caseloads of state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/lsc